

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:19-cv-00542-D

J AND M GUTIERREZ, INC
d/b/a Tropicana Foods,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendant.

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PROTECTIVE ORDER

This matter is before the Court on the Motion for Protective Order filed by Defendant relating to procedures necessary for handling and using documents to be filed as part of Defendant's motion for summary judgment.

For good cause shown, and without objection from Plaintiff, it is hereby ORDERED as follows:

1. The Administrative Record ("the Record") in this matter will be held in strict confidence. Right of access to such material shall be limited to the counsel for parties, their paralegals and other employees, expert witnesses in their employ, and any other person authorized by counsel to examine such materials in connection with this case. Right of access of the material is limited to the purposes of litigation in this case.

2. Any person having access to this material shall be informed that it is confidential and subject to a nondisclosure order by this Court. Individuals to whom this material is made available are bound by the restrictions in this Protective Order.

Counsel for the parties shall take reasonable steps to ensure that individuals in their employ and persons mutually authorized by all counsel to examine such materials comply with this Protective Order.

3. Those having right of access to the Record in this case shall use such material and information derived therefrom only for purposes of litigating this case. Counsel for plaintiff and defendant shall not use or disclose, and shall take all reasonable steps to prevent the use or disclosure of, such material or information for any other reason.

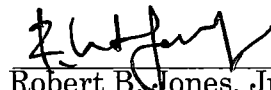
4. Except as provided in Paragraph 3, the substance of the information contained in the Record described above shall not be disclosed by any means whatsoever by those having right of access to the material.

5. Except as provided in Paragraph 3, no person having access to the Record described above shall make public disclosure of those materials.

6. Material subject to this Protective Order shall not be further reproduced except in connection with its use in this case. Any reproductions of materials subject to this Protective Order shall also be subject to the terms of this Protective Order.

7. All materials subject to this Protective Order shall be destroyed within 60 days of the conclusion of all trial and appellate proceedings in this case. In the event that any copies of the foregoing material are made, all such copies shall be destroyed within 60 days of the conclusion of all trial and appellate proceedings. Once the material is destroyed, the USAO shall be so notified.

SO ORDERED, this 25 day of May, 2021.

A handwritten signature in black ink, appearing to read "Robert B. Jones, Jr.", written over a horizontal line.

Robert B. Jones, Jr.

United States Magistrate Judge